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Appl. No. 10/727,794

Attty Docket No. 3539

**Amendment and Response to Second Office Action**

This listing of claims will replace all prior versions and listings of the claims in the application:

**Listing of Claims:**

1. (Previously Presented) In a data processing medium, a method of calculating ~~the~~ a contemporaneous exchange for new value defense for one or more preference payments comprising the steps of:

creating in said data processing medium, one or more lines of data related to each of said preference payments, each of said lines of data including an expression of an invoice amount, a payment date and a provided date;

calculating a payment time for each of said preference payments, said calculation being a function of said payment date and said provided date;

selecting a contemporaneous exchange for new value CENV payment time;

comparing said selected contemporaneous exchange for new value CENV payment time to said calculated payment time of said preference payments; and

differentiating those of said preference payments having payment times that are less than or equal to said contemporaneous exchange for new value CENV payment time from the remainder of said preference payments.

2. (Previously Presented) The method of claim 1 further comprising:

repeating said comparing step and said differentiating step for a plurality of said selected contemporaneous exchange for new value CENV payment times.

**Appl. No. 10/727,794****Attny Docket No. 3539****Amendment and Response to Second Office Action**

3. (Original) The method of claim 1, wherein said data processing medium is one of a spreadsheet software program or a database software program.
4. (Previously Presented) The method of claim 2 further comprising:  
displaying concurrently the result of said differentiating step for each of said selected contemporaneous exchange for new value CENV payment times.
5. (Previously Presented) The method of claim 1 further comprising:  
summing said invoice amounts for those of said preference payments having payment times that are less than or equal to said contemporaneous exchange for new value CENV payment time.
6. (Previously Presented) The method of claim 5 further comprising:  
repeating said comparing step, said differentiating step and said summing step for a plurality of said selected contemporaneous exchange for new value CENV payment times.
7. (Previously Presented) The method of claim 6 further comprising:  
displaying concurrently the result of said summing step for each of said selected contemporaneous exchange for new value CENV payment times.
8. (Previously Presented) In a data processing medium, a method of calculating ~~the~~ an ordinary course of business defense for one or more preference payments comprising the steps of:  
creating in said data processing medium, one or more lines of data related to each of said preference payments, each of said lines of data including an expression of a payment date and a provided date;

**Appl. No. 10/727,794****Attny Docket No. 3539****Amendment and Response to Second Office Action**

calculating a payment time for each of said preference payments, said calculation being a function of said payment date and said provided date;  
selecting an assumed payment time;  
selecting a day spread;  
calculating an ordinary course of business  $\Theta$ CB protected range, said calculation being a function of said assumed payment time and said day spread;  
comparing said ordinary course of business  $\Theta$ CB protected range to said calculated payment time of said preference payments; and  
differentiating those of said preference payments having payment times that fall within said ordinary course of business  $\Theta$ CB protected range from the remainder of said preference payments.

9. (Previously Presented) The method of claim 8 further comprising:  
repeating said comparing step and said differentiating step for a plurality of said ordinary course of business  $\Theta$ CB protected ranges.

10. (Original) The method of claim 8, wherein said data processing medium is one of a spreadsheet software program or a database software program.

11. (Currently Amended) The method of claim 9 further comprising:  
displaying concurrently the result of said differentiating step for each of said ordinary course of business  $\Theta$ CB protected ranges.

12. (Original) The method of claim 8 wherein said assumed payment time is an historical average payment time.

**Appl. No. 10/727,794****Attny Docket No. 3539****Amendment and Response to Second Office Action**

13. (Original) The method of claim 11 wherein said displaying step sorts each set of said results by said payment time of said preference payments in chronological order.

14. (Previously Presented) The method of claim 8 further comprising:  
repeating said comparing step and said differentiating step for at least 12 of said ordinary course of business ~~OCB~~ protected ranges.

15. (Previously Presented) In a data processing medium, a method of calculating the an ordinary course of business defense and the a subsequent new value defense for one or more preference payments comprising the steps of:

creating in said data processing medium, one or more lines of data related to each of said preference payments, each of said lines of data including an expression of a payment

date, a provided date and an invoice amount;

calculating a payment time for each of said preference payments, said calculation being a

function of said payment date and said provided date;

selecting an assumed payment time;

selecting a day spread;

calculating an ordinary course of business ~~OCB~~ protected range, said calculation being a

function of said assumed payment time and said day spread;

comparing said ordinary course of business ~~OCB~~ protected range to said calculated payment

time of said preference payments;

**Appl. No. 10/727,794****Attny Docket No. 3539****Amendment and Response to Second Office Action**

differentiating those of said preference payments having payment times that fall within said ordinary course of business ~~OCB~~ protected range from the remainder of said preference payments;

summing said invoice amounts for those of said preference payments having payment times that fall within said ordinary course of business ~~OCB~~ protected range;

sorting said lines of data chronologically based on said payment date;

distinguishing lines of data related to said preference payments having payment times that fall within said ordinary course of business ~~OCB~~ protected range from the remainder of said lines of data;

calculating the subsequent new value associated with each of said preference payments remaining after said distinguishing step;

summing said subsequent new value associated with each of said preference payments remaining after said distinguishing step; and

combining the sum of said invoice amounts for those of said preference payments having payment times that fall within said ordinary course of business ~~OCB~~ protected range with the sum of said subsequent new value associated with each of said preference payments remaining after said distinguishing step.

16. (Original) The method of claim 15 wherein said data processing medium is one of a spreadsheet software program or a database software program.

17. (Previously Presented) The method of claim 15 further comprising:  
selecting a contemporaneous exchange for new value ~~CENV~~ payment time;

**Appl. No. 10/727,794****Attny Docket No. 3539****Amendment and Response to Second Office Action**

comparing said selected contemporaneous exchange for new value CENV payment time to said calculated payment time of said preference payments;

differentiating those of said preference payments having payment times that are less than or equal to said contemporaneous exchange for new value CENV payment time from the remainder of said preference payments; and

distinguishing lines of data related to said preference payments having payment times that are less than or equal to said contemporaneous exchange for new value CENV payment time from the remainder of said lines of data prior to said sorting step.

18. (Original) The method of claim 17 wherein said data processing medium is one of a spreadsheet software program or a database software program.

19. (Original) The method of claim 15 further comprising:  
displaying concurrently the result of said calculations of said ordinary course of business defense and said subsequent new value defense.

20. (Original) The method of claim 17 further comprising:  
displaying concurrently the result of said calculations of said contemporaneous exchange for new value defense, said ordinary course of business defense and said subsequent new value defense.

21. (Previously Presented) The method of claim 15 further comprising:  
repeating said comparing step, said differentiating step and said distinguishing step for a plurality of said ordinary course of business OCB protected ranges.